THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 25th day of July,2007

W.P.No.12590 of 2004

Between:-

Nelivela Koteswara Rao … Petitioner

and

Sub-Inspector of Police,
Intezargunj P.S., Warangal
and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.12590 of 2004

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the inaction on the part of the respondents in taking steps to expeditiously complete investigation of Crime No.180/2002 of Inthazargunj Police Station, Warangal District, as arbitrary, illegal and amounts to dereliction of duties and to direct the 1st respondent to forthwith complete investigation and submit a final report under Section 173(2) of the Criminal Procedure Code in the competent Court.

It appears, during the pendency of the Writ Petition, respondents have filed a counter stating that the investigation in Crime No.180/02 was completed and a report has been filed into the Court stating that it was proved to be a false case. However, learned counsel for the petitioner states that no such final report was filed into the Court and an endorsement given by the I Additional Judicial First Magistrate's Court at Warangal to that effect, is placed before this Court.

An additional counter has been filed by the 1st respondent stating that the person sworn to the affidavit has taken over charge as Sub-Inspector of Police, Inthazargunj Police Station on 11-7-2004. On 10-8-2004 he filed a counter in the Writ Petition stating that the final report in Crime No.180/02 was filed on 28-3-2004 pursuant to the sanction accorded by the Sub-Divisional Police Officer, Warangal Town on 27-3-2004. This averment was made basing on the C.D. file available with the police station as prepared by his predecessor. After

receiving the letter from the Government Pleader's Office asking him to clarify the position as to whether the final report was filed into the Court or not and also the date on which the final report was filed, he once again verified the C.D. file and the C.D. file clearly shows that the final report was filed into the Court on 28-3-2004 itself. Further, he verified the Court records and could not find the final report. He stated that the original final report prepared by his predecessor is not in the C.D. file and he has filed a counter on the basis of the entries in the C.D. and did not suppress any material facts or misled the Court either wilfully or wantonly.

Now, the learned Government Pleader states that it is a fact that the final report, which was prepared on 28-3-2004 was not filed into the Court. Whereas, learned counsel for the petitioner states that the State machinery not only made a false statement before the Court, but also ultimately made difficult, for the complainant, to prove the case. Therefore, the Officers must be made responsible and liability may be fixed on them.

It is not for this Court to go into such aspects and investigate as to the liability etc. It is always open for the petitioner to raise any such objections as are available, as per law, and take further action as he deems fit.

With the above observation, the Writ Petition is closed. No costs.

25-7-2007

prk